

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

RALPH “TREY” JOHNSON,  
STEPHANIE KERKELES,  
NICHOLAS LABELLA,  
CLAUDIA RUIZ,  
JACOB WILLEBEEK-LEMAIR,  
ALEXA COOKE,  
RHESA FOSTER,  
LAURA HAMILTON,  
ZACHARY HARRIS,  
MATTHEW SCHMIDT,  
TAMARA SCHOEN,  
GINA SNYDER,  
ESTEBAN SUAREZ and  
LIAM WALSH,  
individually and on behalf of all persons  
similarly situated,

Plaintiffs,

v.

THE NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, a/k/a the NCAA, and the  
following NCAA Division I Member Schools  
as representatives of a Defendant Class of  
all private and semi-public NCAA Division I  
Member Schools:<sup>1</sup>

CORNELL UNIVERSITY,  
DREXEL UNIVERSITY,  
FORDHAM UNIVERSITY,  
LAFAYETTE COLLEGE,  
SACRED HEART UNIVERSITY,  
VILLANOVA UNIVERSITY,  
UNIVERSITY OF PENNSYLVANIA,  
UNIVERSITY OF OREGON,  
TULANE UNIVERSITY,  
UNIVERSITY OF NOTRE DAME,  
UNIVERSITY OF ARIZONA,  
PURDUE UNIVERSITY,  
DUKE UNIVERSITY and

**Civil Action No. 19-cv-5230 (JP)**

**DECLARATION OF MICHAEL J.  
WILLEMIN**

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<sup>1</sup> NCAA Division I Member Schools are sued in their respective incorporated name and/or in the name of their respective Board of Regents, Board of Trustees or governing body.

MARIST COLLEGE,  Defendants.
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I, Michael J. Willemin, pursuant to 28 U.S.C. §1746, declare and state as follows:

1. I am a Partner at the law firm Wigdor LLP, attorneys for Plaintiffs Ralph “Trey” Johnson, Stephanie Kerkeles, Nicholas Labella, Claudia Ruiz, Jacob Willebeek-Lemair, Alexa Cooke, Rhesa Foster, Laura Hamilton, Zachary Harris, Matthew Schmidt, Tamara Schoen, Gina Snyder, Esteban Suarez and Liam Walsh and the proposed FLSA Collective in the above-captioned matter. I have personal knowledge of the facts set forth herein and submit this declaration in support of Plaintiffs’ Second Motion for Conditional Certification.

2. Plaintiffs’ counsel has experience with software called DocuSign, which is a reliable and easy-to-use service that enables email recipients to fill in and sign documents and forms electronically.

3. Attached hereto as **Exhibit A** is a true and accurate copy of a Declaration submitted by Plaintiff Ralph “Trey” Johnson in support of the instant motion, dated October 12, 2021.

4. Attached hereto as **Exhibit B** is a true and accurate copy of a Declaration submitted by Plaintiff Stephanie Kerkeles in support of the instant motion, dated October 11, 2021.

5. Attached hereto as **Exhibit C** is a true and accurate copy of a Declaration submitted by Plaintiff Nicholas Labella in support of the instant motion, dated October 11, 2021.

6. Attached hereto as **Exhibit D** is a true and accurate copy of a Declaration submitted by Plaintiff Claudia Ruiz in support of the instant motion, dated October 12, 2021.

7. Attached hereto as **Exhibit E** is a true and accurate copy of a Declaration submitted by Plaintiff Jacob Willebeek-Lemair in support of the instant motion, dated October 11, 2021.

8. Attached hereto as **Exhibit F** is a true and accurate copy of a Declaration submitted by Plaintiff Alexa Cooke in support of the instant motion, dated October 11, 2021.

9. Attached hereto as **Exhibit G** is a true and accurate copy of a Declaration submitted by Plaintiff Rhesa Foster in support of the instant motion, dated October 11, 2021.

10. Attached hereto as **Exhibit H** is a true and accurate copy of a Declaration submitted by Plaintiff Laura Hamilton in support of the instant motion, dated October 12, 2021.

11. Attached hereto as **Exhibit I** is a true and accurate copy of a Declaration submitted by Plaintiff Tamara Schoen in support of the instant motion, dated October 11, 2021.

12. Attached hereto as **Exhibit J** is a true and accurate copy of a Declaration submitted by Plaintiff Gina Snyder in support of the instant motion, dated October 12, 2021.

13. Attached hereto as **Exhibit K** is a true and accurate copy of a Declaration submitted by Plaintiff Esteban Suarez in support of the instant motion, dated October 12, 2021.

14. Attached hereto as **Exhibit L** is a true and accurate copy of relevant excerpts of the 2021-2022 NCAA D1 Manual.

15. Attached hereto as **Exhibit M** is a true and accurate copy of relevant excerpts of the NAIA 2021-2022 Official & Policy Handbook.

16. Attached hereto as **Exhibit N** is a true and accurate copy of relevant excerpts of the NJCAA 2021-2022 Handbook & Casebook.

17. Attached hereto as **Exhibit O** is a true and accurate copy of the NCAA Athletic Financial Aid Agreement sample form.

18. Attached hereto as **Exhibit P** is a true and accurate copy of the Answer to the Amended Complaint (Dkt. No. 130) filed by the defendants (many of whom are the same defendants as in the instant case) in the action Livers v. National Collegiate Athletic Association, Association, Civil Action No. 17 Civ. 4271 (MMB).

19. Attached hereto as **Exhibit Q** is a true and accurate copy of Plaintiffs' Proposed Notice of Lawsuit and Consent Form for regular mail and email.

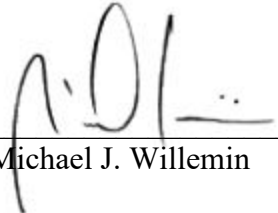
20. Attached hereto as **Exhibit R** is a true and accurate copy of Plaintiffs' proposed Text Message Notice.

21. Attached hereto as **Exhibit S** is a true and accurate copy of Plaintiffs' proposed Workplace Notice.

22. Attached hereto as **Exhibit T** is a true and accurate copy of Plaintiffs' proposed Postcard Reminder Notice.

23. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: October 13, 2021  
New York, New York



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Michael J. Willemin